STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of QUINTELL MAURICE GRADY, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

TAWJUANA D. GRADY,

Respondent,

and

BILLIE L. WILLIAMS,

Respondent-Appellant.

UNPUBLISHED
June 12, 2007

No. 274874
Wayne Circuit Court
Family Division
LC No. 04-434314-NA

Before: Davis, P.J., and Hoekstra and Donofrio, JJ.

MEMORANDUM.

Respondent Billie Williams appeals as of right from a circuit court order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g), (h), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Respondent argues that the trial court's decision is clearly erroneous and contrary to the child's best interests. To terminate parental rights, the trial court must find that a statutory ground for termination has been established by clear and convincing evidence. *In re Sours*, 459 Mich 624, 632-633; 593 NW2d 520 (1999). If the court determines that a statutory ground for termination has been established, the court must terminate parental rights unless there exists clear evidence, on the whole record, that termination is not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). We review the trial court's decision for clear error. *Id*. at 356-357; *In re Sours*, *supra*, p 633.

The trial court did not clearly err in finding that petitioner established § 19b(3)(g) by clear and convincing evidence. *In re IEM*, 233 Mich App 438, 450; 592 NW2d 751 (1999). Respondent was incarcerated at the time of the termination hearing in August 2006, as he had been for much of the child's life. The gist of his argument on appeal is that he anticipated being

released soon, as early as December 2006, and would be able to care for the child within approximately six months after his release. The mere possibility that respondent could be released does not show that the trial court clearly erred in terminating his parental rights. There were no assurances that respondent would be released as anticipated and, even if he were, his criminal history, lack of support, and lack of involvement in the child's life supports the trial court's determination that there was no reasonable expectation that respondent would be able to provide proper care and custody within a reasonable time considering the child's age. In light of our conclusion that § 19b(3)(g) was established by clear and convincing evidence, we need not consider whether termination was also warranted under the remaining statutory grounds.

The trial court did not clearly err in analyzing the child's best interests. Respondent had no bond with the child. The last contact occurred approximately six years before the termination hearing, when the child was approximately a year old. The evidence did not clearly show that termination of respondent's parental rights was not in the child's best interests. *In re Trejo, supra*.

Affirmed.

/s/ Alton T. Davis
/s/ Joel P. Hoekstra
/s/ Pat M. Donofrio